

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

Civil Action No. 1:22-cv-00061-TSK

**DEFENDANT MYLAN PHARMACEUTICALS INC.'S MOTION FOR SUMMARY
JUDGMENT OR PARTIAL SUMMARY JUDGMENT ON
U.S. PATENT NOS. 11,104,715 (PROCESS PATENT); 11,084,865 (FORMULATION
PATENT); AND 10,888,601 & 11,253,572 (DOSING PATENTS)**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.02, Defendant Mylan Pharmaceuticals Inc. (“Mylan”) respectfully moves the Court to grant summary judgement or partial summary judgment in its favor with respect to Counts 12, 17, 18, 21 of the complaint filed by Plaintiff Regeneron Pharmaceuticals Inc. (“Regeneron”).

As set forth in the accompanying Memorandum filed under seal contemporaneously herewith, on the undisputed facts, and under the Court’s construction of the claims (Dkt. 427), with regard to Mylan and the accused product, YESAFILI™, for the claims asserted by Regeneron:

- There is no infringement of claims 2-3, 6, 12-14, and 16 of the ‘715 patent;
- There is no infringement of claim 18 of the 865 patent;
- There is no direct infringement by Mylan on any claims of the ‘572 or ‘601 patents;
- There is no induced infringement for the claims of the ‘572 patent;

● There is no induced infringement and/or the claims are invalid for at least claims 1-14 and 26-28 of the '572 patent; and claims 5-6 and 9 of the '601 patent, in view of Dixon.

Accordingly, Mylan respectfully asks the Court to enter summary judgment or partial summary judgment in its favor.

Dated: April 20, 2023

STEPTOE & JOHNSON PLLC

Of Counsel (admitted pro hac vice):
Of Counsel (admitted pro hac vice):
William A. Rakoczy
Deanne M. Mazzochi
Heinz J. Salmen
Eric R. Hunt
Jeff A. Marx
Neil B. McLaughlin
Lauren M. Lesko
L. Scott Beall
Thomas H. Ehrich
Steven J. Birkos
Katie A. Boda
Abraham J. Varon
Jake R. Ritthamel
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
6 W. Hubbard St., Suite 500
Chicago, IL 60654
(312) 527-2157
wrakoczy@rmmslegal.com
dmazzochi@rmmslegal.com
hsalmen@rmmslegal.com
ehunt@rmmslegal.com
jmarx@rmmslegal.com
nmclaughlin@rmmslegal.com
llesko@rmmslegal.com
sbeall@rmmslegal.com
tehrich@rmmslegal.com
sbirkos@rmmslegal.com
kboda@rmmslegal.com
avaron@rmmslegal.com
jritthamel@rmmslegal.com

/s/ Gordon H. Copland
Gordon H. Copland (WVSB #828)
William J. O'Brien (WVSB #10549)
400 White Oaks Boulevard
Bridgeport, WV 26330
(304) 933-8162
gordon.copland@steptoe-johnson.com
william.obrien@steptoe-johnson.com

Attorneys for Defendant
Mylan Pharmaceuticals Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April 2023, I served the foregoing “Defendant Mylan Pharmaceuticals Inc.’s Motion for Summary Judgment or Partial Summary Judgment on U.S. Patent Nos. 11,104,715 (Process Patent); 11,084,865 (Formulation Patent); And 10,888,601 & 11,253,572 (Dosing Patents)” by electronically filing the same with the Clerk using the Court’s CM/ECF system, which will send notification of the filing to all counsel of record.

/s/ Gordon H. Copland

Gordon H. Copland (WVSB #828)
William J. O’Brien (WVSB #10549)
400 White Oaks Boulevard
Bridgeport, WV 26330
(304) 933-8162
gordon.copland@steptoe-johnson.com
william.obrien@steptoe-johnson.com

*Attorneys for Defendant
Mylan Pharmaceuticals Inc.*